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AUG 13 2004

OFFICE OF PETITIONS

In re Application of	:	
Negoro, et al.	:	DECISION REFUSING STATUS
Application No.: 10/769,817	:	UNDER 37 CFR 1.47(a)
Filed: February 3, 2004	:	
Attorney Docket No.: R2180.0189/P189	:	
For: SEMICONDUCTOR DEVICE HAVING	:	
DMOS AND CMOS ON SINGLE SUBSTRATE	:	

This is a decision on the petition under 37 CFR 1.47(a), filed July 16, 2004.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 3, 2004 without an executed oath or declaration. Accordingly, on April 30, 2004, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on July 16, 2004, a petition for a one month extension of time and required fee, a declaration executed by 2 of 3 joint inventors, the surcharge, and the instant petition and required fee were filed.

A declaration of facts of Suichi Tomita, a member of the intellectual property group of Ricoh Technology Research, Inc., accompanies the petition. Mr. Tomita explains the efforts made to locate non-signing inventor Takeshi Kimura.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks items (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The mailing/ post office address of non-signing inventor Kimura is not included on the declaration. The mailing/post office address of each inventor must be included on the oath or declaration. 37 CFR 1.63(c)(1); MPEP 605.03 As Mr. Kimura is not executing the declaration, the inventor's most recent home address must be given to enable the Office to communicate directly with the inventor.

All signing inventors must execute another declaration that lists the application serial number and filing date, contains the signers' own information, and lists Mr. Kimura's citizenship, residence, and mailing/post office address. The signing inventors should sign in their respective signature blocks. Mr. Kimura's signature block should be left blank. The Office will interpret this submission as the signing inventors signing the declaration on behalf of Mr. Kimura.

An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of the non-signing inventor is REQUIRED. See MPEP 409.03(a).

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries should be directed to the undersigned at (703) 308-6712. After September 28, 2004, please call (571) 272-3230.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions